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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

WAYNE ANTHONY BECKFORD CIVIL ACTION NO. 05-1831
VERSUS JUDGE DONALD E. WALTER
WARDEN MAGISTRATE JUDGE HORNSBY

O R D E R

Before this Court is Beckford's Appeal [Doc. #9] from the Magistrate Judge's Order [Doc. #7] transferring the above captioned case to the United States District Court for the District of Massachusetts. As stated by the Magistrate, Petitioner is currently incarcerated in the Federal Detention Center in Oakdale, Louisiana, but challenges his state court conviction in the Massachusetts Farmington District Court.

Pursuant to 28 U.S.C. § 2241(d),

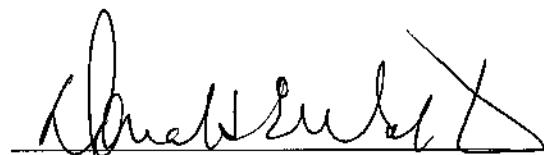
Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application.

According to this venue rule, for a Petitioner to have the option of where to file his application for writ of habeas corpus – the Federal judicial district where he was convicted and sentenced or the Federal judicial district where he is in custody – the State where Petitioner was convicted and sentenced must have two or more Federal judicial districts. Massachusetts, the State wherein Beckford was convicted and sentenced, has only one Federal judicial district. Proper venue lies only in that one Federal judicial district. Thus, the Magistrate properly transferred the above captioned

matter pursuant to 28 U.S.C. § 1406.

Accordingly, **IT IS ORDERED** that the Memorandum Order of October 31, 2005 [Doc. #7] be and is hereby **AFFIRMED**.

THUS DONE AND SIGNED, in Shreveport, Louisiana, this 10 day of January, 2006.



DONALD E. WALTER
UNITED STATES DISTRICT JUDGE